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Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

INTERMUNE, INC.,

Defendant.

**STIPULATION AND [PROPOSED]
ORDER SETTING HEARING ON
DEFERRED PROSECUTION
AGREEMENT**

No. CR 06-0707 MHP

STIPULATION

1. The United States of America is represented in this matter by AUSA Ioana Petrou. Defendant Intermune, Inc., is represented in this matter by Ethan Posner and Barbara Hoffman of the law firm of Covington & Burling.

2. The parties, by their undersigned counsel, stipulate and hereby request that the Court schedule a hearing on the Deferred Prosecution Agreement on Monday, December 4, at 10 a.m. At that time, the parties intend to seek the Court's approval of the Deferred Prosecution

1 Agreement in accordance with 18 U.S.C. § 3161(h)(2).

2 SO STIPULATED.

3 DATED: 11/15/2006

4 /s/
BARBARA HOFFMAN
Covington & Burling
Attorney for InterMune, Inc.

7 DATED: 11/15/2006

8 /s/
IOANA PETROU
Assistant United States Attorney

9 **ORDER**

10 The Court hereby orders that the hearing on the Deferred Prosecution Agreement is set for
11 Monday, December 4, at 10:00 a.m.

14 IT IS SO ORDERED.

16 Dated: 11/24, 2006

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MARILYN HALL PATEL
U.S. DISTRICT COURT JUDGE